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HEARINGS CLERK
EPA--REGION 10

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

SURRYDOWNS CHILDREN
CENTER, INC., and
KING COUNTY, WASHINGTON;
Respondents.

Docket No. TSCA-10-2005-0151

CONSENT AGREEMENT BETWEEN
SURRYDOWNS CHILDRENS
CENTER, INC. AND THE UNITED
STATE ENVIRONMENTAL
PROTECTION AGENCY

1. That portion of this proceeding pertaining to claims which the United States Environmental Protection Agency (EPA) has against Surrydowns Childrens Center, Inc. (Surrydowns), is being concluded by issuance of this Consent Agreement along with the accompanying Final Order. This Consent Agreement set forth the entire terms of settlement between EPA and Surrydowns.

2. The pursuit and resolution of claims in this matter are authorized by Section 16 of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615. This Consent Agreement and the accompanying Final Order have been prepared in accordance with the requirements of 40 C.F.R. Part 22.

3. EPA filed a Complaint in this matter against Surrydowns on May 27, 2005. The Complaint was served on Surrydowns on July 27, 2005.

4. For the purpose of this proceeding, Surrydowns admits the jurisdictional allegations contained in the Complaint. While Surrydowns neither admits nor denies the specific factual allegations set forth in the Complaint, Surrydowns does waive the right to contest those allegations. Surrydowns also waives the right to appeal the accompanying Final Order. By entering into this Consent Agreement, Surrydowns does not admit any liability in this matter.

Consent Agreement
Surrydowns and EPA

ORIGINAL

Surrydowns / King County
TSCA-10-2005-0151

1 5. The penalty amount to be paid by Surrydowns been calculated in accordance with the
2 "Polychlorinated Biphenyls (PCB) Penalty Policy." This policy is a reflection of the criteria for
3 determining a civil penalty which are set forth in Section 16(a)(2)(B) of TSCA, 15 U.S.C.
4 § 2615(a)(2)(B), and is utilized by EPA for the purpose of achieving consistency with other penalty
5 enforcement matters.

6 6. Surrydowns consents to the assessment and payment of a civil penalty in the amount of
7 three thousand dollars and no cents (\$3,000.00). The payment of this penalty shall be made by
8 Surrydowns within thirty (30) days of the filing of the accompanying Final Order. This payment
9 shall be by cashier's or certified check made payable to the order of "Treasurer, United States of
10 America." The check shall be submitted to: Mellon Client Services Center, U.S. EPA, Region 10,
11 500 Ross Street, P.O. Box 360903, Pittsburgh, Pennsylvania 15251-6903. Along with the payment,
12 Surrydowns shall provide a transmittal letter which sets forth the information contained in the
13 caption of this case, including the case title and docket number, together with a description of the
14 obligation satisfied by such payment. At the time of payment, Surrydowns shall provide a copy of
15 the check and transmittal letter to: Carol Kennedy, Regional Hearing Clerk, U.S. EPA, 1200 Sixth
16 Avenue, ORC-158, Seattle, WA 98101; and Richard Mednick, Associate Regional Counsel, U.S.
17 EPA, 1200 Sixth Avenue, ORC-158, Seattle, WA 98101.

18 7. Should there be a failure of Surrydowns to pay the penalty assessed herein in full by its due
19 date, the entire unpaid balance of penalty and accrued interest shall become immediately due and
20 owing. Should such a failure to pay occur, Surrydowns may be subject to a civil action under
21 Section 16(a)(4) of TSCA, 15 U.S.C. § 2615(a)(4), to collect any unpaid penalties, together with
22 interest, handling charges, and nonpayment penalties, as set forth below.

23 8. Should there be a failure of Surrydowns to pay any portion of the penalty assessed herein
24 in full by its due date, Surrydowns shall also be responsible for payment of the following amounts:

25 a. Interest. Any unpaid portion of the assessed penalty shall bear interest at the rate
26 established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1) from the effective
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1 date of the accompanying Final Order, provided, however, that no interest shall be payable on any
2 portion of the assessed penalty that is paid within 30 days of the effective date of the Final Order.

3 b. Handling Charge. Pursuant to 31 U.S.C. § 3717(e)(1), a monthly handling charge of \$15
4 shall be paid if any portion of the assessed penalty is more than 30 days past due.

5 c. Nonpayment Penalty. Pursuant to 31 U.S.C. § 3717(e)(2), a nonpayment penalty of 6%
6 per annum shall be paid on any portion of the assessed penalty that is more than 90 days past due,
7 which nonpayment penalty shall be calculated as of the date the underlying penalty first becomes
8 past due.

9 9. This Consent Agreement is binding upon Surrydowns, including all officers, directors,
10 servants, employees, agents, successors, and assigns of Surrydowns.

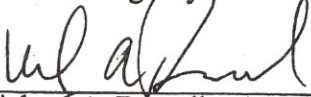
11 10. Surrydowns shall bear its own costs and attorneys fees in connection with this matter.

12 11. EPA and Surrydowns agree to the accompanying Final Order.

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15 United States Environmental
Protection Agency

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17 Michael A. Bussell, Director
Office of Compliance and Enforcement

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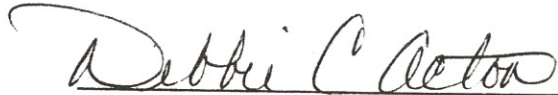
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Surrydowns Childrens Center, Inc.



Consent Agreement
Surrydowns and EPA

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

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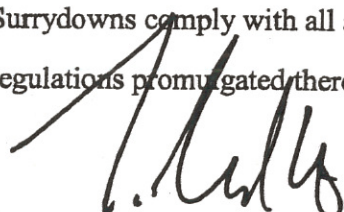
Respondents.

Docket No. TSCA-10-2005-0151

FINAL ORDER

It is hereby ordered that Surrydowns Childrens Center, Inc. (Surrydowns), comply with all terms and conditions of the Consent Agreement entered into between Surrydowns and the United States Environmental Protection Agency (EPA) in this matter. This compliance obligation is effective upon the date of filing of the Consent Agreement along with this Final Order.

This Final Order resolves only those causes of action alleged by EPA against Surrydowns in this matter. Further, this Final Order does not otherwise waive or extinguish the obligation of Surrydowns comply with all applicable provisions of the Toxic Substances Control Act and the regulations promulgated thereunder.


L. Michael Bogert
Regional Administrator
EPA, Region 10

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **CONSENT AGREEMENT AND FINAL ORDER in In the Matter of: SurryDowns Children Center, Inc., DOCKET NO.: TSCA-10-2005-0151**, was filed with the Regional Hearing Clerk on December 29, 2005.

On December 29, 2005 the undersigned certifies that a true and correct copy of the document was delivered to:

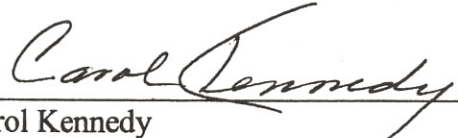
Richard Mednick
US Environmental Protection Agency
1200 Sixth Avenue, ORC-158
Seattle, WA 98101

Dan Duncan
US Environmental Protection Agency
1200 Sixth Avenue, OCE-084
Seattle, WA 98101

Further, the undersigned certifies that a true and correct copy of the aforementioned document was placed in the United States mail certified/return receipt on December 29, 2005, to:

Debbie Acton
10845 NE 47th Street
Kirkland, WA 98033

DATED this 29th day of December 2005.



Carol Kennedy
Regional Hearing Clerk
EPA Region 10